

**ASSEMBLY BILL**

**No. 2566**

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**Introduced by Assembly Member Hancock**

February 22, 2008

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An act to amend Section 12026 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2566, as introduced, Hancock. Firearms: prohibitions.

Existing law provides that no permit or license to purchase, own, possess, keep, or carry, either openly or concealed, shall be required of any citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes, as specified, to purchase, own, possess, keep, or carry, either openly or concealed, a handgun within the citizen's or legal resident's place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident.

This bill would provide that, these provisions may not be construed to prohibit the regulation by a city, county, or city and county of the possession of handguns.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12026 of the Penal Code is amended to
- 2 read:
- 3 12026. (a) Section 12025 shall not apply to or affect any citizen
- 4 of the United States or legal resident over the age of 18 years who

1 resides or is temporarily within this state, and who is not within  
2 the excepted classes prescribed by Section 12021 or 12021.1 of  
3 this code or Section 8100 or 8103 of the Welfare and Institutions  
4 Code, who carries, either openly or concealed, anywhere within  
5 the citizen's or legal resident's place of residence, place of  
6 business, or on private property owned or lawfully possessed by  
7 the citizen or legal resident any pistol, revolver, or other firearm  
8 capable of being concealed upon the person.

9 (b) No permit or license to purchase, own, possess, keep, or  
10 carry, either openly or concealed, shall be required of any citizen  
11 of the United States or legal resident over the age of 18 years who  
12 resides or is temporarily within this state, and who is not within  
13 the excepted classes prescribed by Section 12021 or 12021.1 of  
14 this code or Section 8100 or 8103 of the Welfare and Institutions  
15 Code, to purchase, own, possess, keep, or carry, either openly or  
16 concealed, a pistol, revolver, or other firearm capable of being  
17 concealed upon the person within the citizen's or legal resident's  
18 place of residence, place of business, or on private property owned  
19 or lawfully possessed by the citizen or legal resident, *provided*  
20 *however, that nothing in this section shall be construed to prohibit*  
21 *the regulation by a city, county, or city and county of the possession*  
22 *of handguns.*

23 (c) Nothing in this section shall be construed as affecting the  
24 application of Section 12031.